

1

File No. AFD 108 FGN 59

Section Forests

Lease of 5 acres of land out of F.S. 100-12.
of Hattikeri, for a period of 99 years to the
Hickad Group Hindulida Vargada
Koolikarar Sahakari Sangh, Ankola (N.K. 9)

Date	To whom sent	Notes and instructions
29/6/62	A 1/4/04	FOR/NOT FOR NOTE BOOK UNDER SECRETARY <i>J. R. Ramakrishna</i> Under Secretary to Govt. 10255 24/6/62 ಅರಸೀಕೆರೆ. ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ, ಅರಸೀಕೆರೆ, ಪಂಚರತ್ನ ಜಿಲ್ಲೆ ಕಾನ್ಪು ಇಲಾಖೆ (ಅರಸೀಕೆರೆ)

R. S. Ramakrishna
Under Secretary to Govt.

A
1/4/04

10258
24 SEP 62

ಪ್ರಾರಂಭಿಕ ಹಂತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪುನರ್ಮಕ್ಕು ಜಿಲ್ಲೆ
ಕಾಸ್ತು ಇಲಾಖೆ (ಅರಣ್ಯ-ಬಿ)

Serial
No.

Subject:- Grant of 5 acres out of
F.S. No. 12 of Halikeri for the
purpose of Fuel & Timber Depot, to
Hickad Group Hindulda Vargada
Koolikarar Sahakar Saaght Ltd.,
Ankola, North Kanara Dist.

2

please see the minutes of the M(F)
on the Diary no 11394 dt 3-12-59 at
page 1/c Dfa (at p. 13/c)

Ass.
4/12/59

Col
10/1/60

Is consultation with R.D.

necessary in this case & M
is it necessary for the case to
be submitted to Minister XXXX A.

before issue of G.O.?

3

R.D. will be consulted whenever the question
of outright grant of land is concerned in
as much as R.D. is the ultimate authority
to dispose of the land finally.
the right for land vests.

4

If it is only a lease & the land will continue
to be in charge of the
so far as proprietary rights are concerned, the
vest with Forest Dept. only.

5

It is the order of Govt. Hence G.O.
is necessary.

Ass. 6 Since the area is to be granted on lease
4/1/60. consultation with the R.D. is not necessary. Since
the G.O. is in pursuance of the minute of the M(F) p/c,
submission of the paper to M(F) again is not necessary.

File No. 108 FEN of 1959.

Mysore Government
Secretariat

Serial
No.

FD may have seen the G.O. letter
issued as a concession rent is proposed
to be levied.

Cell

9.1.60 R.D.

19/1/60

8. Leasing out land on nominal
rent for a period of 99 yrs
is for all practical purposes an
outright grant. A & FD may
please consult the Rev. Deptt
& this proposal & then refer
the pp to Fin. Deptt. It may
be mentioned here that Fin Deptt.
is generally not inclined to
agree to any indirect concessions
of this type.



PHC
23/1/60

R. A. NAIK,
Dy. Secy. (Works and Buildings).



9) R.D. may kindly offer their
remarks on para 8 above with refence
to para 8 supra.

10/2/60.

Cell

R.D.

13/2/60

10) This may be sent to R.D.'s
for the proposed is for non-agricultural

Amtd

8/2

24/2

7/19/60

27 FEB 1960

REVENUE DEPARTMENT

65
2/2

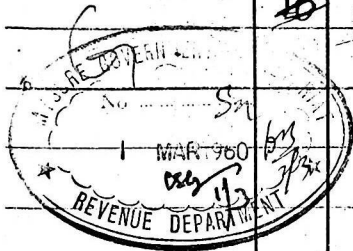
RD 1746-60
Serial No.

purposes.

29/2/60

nd Rev. (hr)

29/2



11)

Since the land under question is a forest S.N., A.H. will kindly make available a copy of the orders, if any, regarding the grant of lease of forest lands, so that RD might offer remarks.

3/3/60

A.H.)

4/3

12) RD's attention may be invited to the orders of the TC (F&T) on the petition at p 1/c. Other than this there is no other order pertaining to this case.

ve

4/3/60

13

cv. Pl. speak

17/3/60

Kg 18/3

14

18/3

Spoken. If there are any precedents may pl. put up

9/3

15

In the file placed below, AFD 4 FOR 58 you have stipulated certain conditions which may be perused. There is a recent case wherein we have agreed, to which RD also signifies his consent, to lease of out 30 acres of land.

in paadikhanahalli plantation
near in Tumkur Range, to the
Sri Siddaganga Mutt, Hyatasaada
Tumkur Taluk on certain
conditions for a period of
30 years, in one file AFD 270 DST 57
placed below

Serial
No.

A

RD3583.G 60

Office of the
Registrar
R.D.

Dno. 23

No. T/1266

In view of the above facts
RD may now see for their concurrence
lfr to para 11 ante.

RD may please see now

RD)

K₃
2/4

K. S. N. MURTHY,
Dy. Secy. Agri & Forest Dept.

This relates to Rev G. Section

29/4/60.

Wd Obo (Lr)

W
M

What RD wanted in para 11 was a copy of the Rules or
Court orders in general prescribing the general procedure for
the disposal of forest lands on lease or sale and not any
particular order in the present case as mentioned in para
12 supra.

18

Submitted
26/4

As such, Asf may see again & make available
a copy of the Rules or orders governing the procedure for
the disposal of forest land. Further, the file containing
RD's opinion in another case (above) may also be made available

19



Aff)

Serial
No.

20

The information which RD requires will be obtained from the C.C.F. of 15/5.

Pl. Issue and speak

5/5
5/5

Kg
6/5

spoken

kg
6/5

21.

Letter no. B3. 4593/60/Encl. 5. of 5.5.61 from the C.C.F.

22.

The C.C.F. has forwarded a copy of the Bombay Govt., Resolution no. 7590/33 of 1-2-60.

for perusal.

16/6 23)

C.C.F. is not in a position to furnish copies of specific orders issued in this behalf by the Govt. of Bombay.

24) But C.C.F. has no objection to the grant of 5 acres of Forest Land in RS no 12 of Halkikere to the Sangha in question subject to recovery of rent of Rs 0.25 MP per gumbaz per man on leave basis.

25) R.D. may also see w/r to paras 18 & 19 MT

26) The RD may see the letter from the C.C.F. dated 5.5.61 (p.17/6) with reference para 18 & 19 and agree to the proposed made in para 7 supra.

R.D.

So Puth
Ost. 7.7.61

Office of the
Registrars

R.D.

Date. 11 JUL 1961

No. T

Note. Contn. Sheet

70/7

RD5155: 6-6/7

File No. 108 F&F of 1959.

Mysore Government
Secretariat

27) R.D. may agree and return the papers
to A & F Dept

Serial
No.

6360

4/13/59

Asst

15/7
upto 1959

28) pl. See para 27/7
R.D. has agreed to
the proposal. G.O. at p. 13c/f
may now be issued.

22/7

29. F.D. may see the paper for concurrence
with reference to para 8 Supra. R.D.
agrees to the proposal in para 27

Office of the
Registrar-1
R.D.

So. P. N. S.

12-8-61

R.D.

S. V. PRABHU,

Under Secretary to Government
Agriculture & Forest Dept.

30) Minister. Returns to Asst.

18/8

So. P. N. S.

25-8-61

A & F Dept.

29/8

Registrar-1
R.D.

31) may be referred to F.D. w.r.t.
para 8 n/f

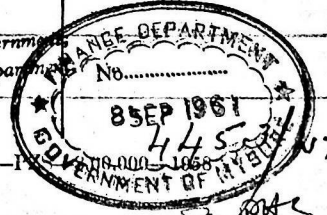
4/9/61

F.D.

So. P. N. S.

S. V. PRABHU,

Under Secretary to Government
Agriculture & Forest Department



WD 04700-GPB-1

Serial
No.

U.O.No.4453/W.2.

Finance Department,
Works & Schemes 2.

32

The A.&F.D. is requested to make available
files No.AFD 4 FOR 58 and No.AFD 270 DST 57
referred to in para 15/n.f. before we offer our
remarks (further) on the proposal.

M. M. W. 19/9/61

Under Secretary,
F.D., W.&S.

A.&F.D)

18/11/61

RD 94988/61

33) w/r to para 15 n/f, this file
along with file nos: AFD 4 FOR 58
and AFD 270 DST 57 was sent to
RD, while returning our files, AFD-
270 DST 57 was not in the file
Board. Hence this may be referred
to RD to make available the
above file. by No. AFD 270 DST 57

OR

24/11/61

25/11

I to Compliance
Dy. Secy. Co. Secy.

Discussed - 27.11.61

34) RD may kindly return the
file No: AFD 270 DST 57.

Co. Secy.

29.11.61

RD

35) in 35) the file referred to above at 'A' is not
w/ 2/12

ATF) 2/12

Office of the
Registrar
100.

Date: 29 NOV 1961

Note.-Contn. Sheet

AFD File No. 108 F G N of 1959

Mysore Government
Secretariat

Ref: parae (34) and (35) date: (26)
Submitted for orders

Serial
No.

36

26/1/62

37) Pl find out exactly where the
file is

[Signature]

8.1.62

38) Sec. Please find up these files.

Let them then we can say this to P.D. Please check up again.

[Signature]

14.1.62

39) The file no. AFD 270-
257-57 is placed below and
the file may now be referred
to F.D. w/r to p. 32 n/f.

ER
1/3/62

F.D.)

[Signature]
5.3.62



En P.A.

Henc

7/3/62

U.O.No.1432/w.2.

Finance Department,
Works & Schemes II.

40)

So far as the period of lease is concerned,
we may suggest a period of 30 years. But as
regards the rent, I think it would not be fair
to charge the same rate as in the case of
Industrial Concerns. The present Sangh is
stated to consist of mostly Harijans who are
all very poor. Hence, we may agree for the
nominal rent as proposed.

(Intd.) M.V.
A.F.S. 28/3/

" Extract from F.D. papers "

WD 07273-GPB-PZS-S.00,000-1960.

M. M. W. 29/10
Under Secretary,
F.D. W. & S.
29/3/62

A. & F.D.)

30/3/62

AFD 108 FEN 59: ① ¹¹
Hichkad Group Hindulida Vargada
Koolikarar Sahakari Sangh Ltd.,
ANKOLA. (N. Kanara.)

Ref. No. H-1/59-60.

Date 12-11-1959.

To

The Honourable Minister,
 For Forest & Transport
 Government of Karnataka State.



Sub:- The plot of 5 acres out of Forest Survey No.12 of
Mattikeri for the purpose of Fuel & Timber Depot.
 grant of --

Dear Sir,

The Sangha is registered under the Co-operative Act, under No. 2-57
 1949. It was sponsored by the then Sarvodaya Sanchalaka or Kanara under
 the movement sponsored by Late Surti Bala Saheb Kher, then Chief Minister
 of Bombay & his colleagues with an object of organising the Adivasis,
 Harijans & Forest Mazdoors etc, for the execution of Government Forest
 coupes etc. Accordingly hundreds of such Institutions were started in
 the Bombay State by the encouragement of both the Governments.

This Sangha is one, out of such Institutions. More than 80% of the
 membership of this Institution are Harijans which are mainly depending
 upon the wages earned in Forest Coupe working etc. One copy of the report
 is attached hereto for your kind perusal,

Since last six years attempts are being made to get one plot for
 storing Timber, Fuel & having small buildings for the purposes on permanent
 basis. Partinent copies, our application & replies are attached hereto for
 your information. Uptil now nothing can be achieved but promises.

After all these correspondences & personal visits by the Collector &
 Forest Officials to various areas, it was promised that this plot of 5
 in Forest Survey No. 12 as shown in the sketch attached hereto would be
 granted to the Sangha on permanent basis for the purpose.

I have the honour to request you to see that plot personally which
 by the side of the road to Belekeri from Mattikeri & kindly grant the plot
 of 5 acres out of Forest Survey No. 12 of Mattikeri and oblige.

Thanking you in anticipation,

Yours faithfully,

P. S. Rao
 Secretary.

*Discussed with
 C.C.F. at Karwar today. May
 The area of five acres asked for may
 be given on a nominal rent of Rs. 5/-
 on a lease for a period of 99 years.*

12

Hickad Group Hindulida Vargada Koolikarar Sahakari Sangha Limited.,
ANKOLA. N.KANARA.

Balance sheet as on 30-6-1959. (3)

Liabilities:	Amount.	Assets:	Amount.
Share capital.	4940.00	Cash on hand.	12939.56
Share deposit.	2389.60	Cash in Bank:	16827.50
Reserve Fund.	21061.85	In Urban bank.	20.19
Provincial Institute		In Ankola Syndicate	
education fund.	1239.41	Bank.	16541.93
Dividend fund.	811.87	In Gokarn -do-	250.15
Bonus fund.	16277.58	In Kumta -do-	15.23
Provident fund.	3000.00	Investments:	
Unemployment fund.	8138.80	In K.D.C.C. Bank Shares.	1000.00
Benevolent fund.	5000.00	In K.D.C. Bank fixed deposit.	1000.00
Rate fluctuation fund.	15000.00	In N.S. Certificates.	5240.00
Bad debt fund.	10000.00	In G.P. Notes.	995.00
Short term deposit.	700.00	In Office building.	13524.77
Sundry creditors.	4687.63	In Lands.	200.00
Credit suspense.	4637.82	In truck.	7025.00
Sales tax payable.	745.98	Dead stock.	1120.04
Staff provident fund.	2487.82	Impliments & machinery.	5093.41
Tender deposit.	3100.00	Security deposit:	6638.00
Retrol charges payable.	3405.60	In P.W.D.	2654.00
Interest payable.	29.02	In Forest Dept.	3984.00
Upset charges payable.	28396.00	Sundry debtors.	15177.19
Transport & other charges		Advances to workers.	27938.21
payable.	20704.00	Iron & steel.	174.62
K.D.C. Bank loan.	20000.00	Library books.	123.53
50% of profit share payable		Difference in H.P.s.	0.05
to Government.	30000.00	Debit suspense.	69.25
Maternity ward bill amount.	8727.96	Works in progress:	
Metal collection work.	1339.26	Moralli Coug XI-7.	12.00
Profits carried forward:	2502.85	Maternity ward work exp.	7001.18
for 1950-51.	402.09	Metal collection work.	3060.00
,, 1953-54.	375.70	Bile-hoinge current repairs.	123.94
,, 1954-55.	225.45	Housing expenses.	2107.70
,, 1955-56.	606.54	Rent receivable.	316.00
,, 1956-57.	893.07	Mixer hire receivable.	720.00
Profit for 1957-58.	799.38	Stock on hand.	122735.80
Profit upto 30-6-1959.	31840.32		
Total.	251962.75.	Total.	251962.75

(Dainm)
SECRETARY.

HICKAD GROUP HINDULIDA
VARGADA KOOLIKARAR
SAHAKARI SANGH LTD.
ANKOLA.

To

The Secretary,

Hichkad Group Hindulida

Vargada Koolikarar Sahakari Sangha, Ltd.,
Ankola.

No.S 105/2/136

Karwar, 13-7-1956.

Subject: Grant of plot in P.S.No.12 of Hattikeri
for storing timber.

Sir,

Reference: Your application no.M-1/55-56 dated 5-10-1955.

Government in Agriculture and Forest Department have directed to inform you that your request for grant of 5 acres of land out of P.S.No.12 of Hattikeri for construction of a godown, on permanent basis cannot be granted. However, you may approach the divisional Forest Officer for grant of the land on temporary lease renewable every year.

Government have further directed that there is no objection to the grant of a plot of about 1 acre on lease to the Society for construction of an office building on the condition that the building should be of a semi permanent nature and that it should be removed if and when called upon to do so.

You are, therefore, requested to state whether you are willing to have the area required for the construction of office building on lease subject to the above conditions proposed by Government, for taking further action in the matter.

Yours faithfully,

Sd/-

P.A.
For collector of Kanara.

13/7

True-Copy

D. Ann

SECRETARY
HICHKAD GROUP HINDULIDA
VARGADA KOOLIKARAR
SAHAKARI SANGH LTD.
ANKOLA.

Letter

14
7

To

The Secretary,
Hichkad Group Hindulida Vargada
Koolikarar Sahakari Sangha, Ltd,
Ankola.

No. S 105/2/136.

Karwar, 16-9-1955.

Subject:- 5 acres plot in F.S.No.8 A of Mattikeri for
storing timber and firewood.

Sir,

With reference to your application dated 14-11-1954 on the above subject, I have to inform you that the area asked for contains stored timber of some contractors and that a permanent grant of this area to any body might hamper commercial activities of the Forest Department. However, an area of 2-1-0 ^{A.G.} has already been leased to you by the Forest Department which is prepared to continue the lease on Eksali basis along with other traders.

I have to further inform you that the D.F.O. has intimated that if the Society wants any permanent area on disforestation, the area at some other place as shown in the sketch by the D.F.O. can be disforested in favour of the Society.

You are, therefore, requested to contact the Forest Depot Officer at Mattikeri and after ascertaining from him the area that can be made available to you, put in an application for grant of the ~~xxxx~~ area.

Your present case is filed as already informed.

Yours faithfully,

Sd/-

O.C. signed
by Collr.

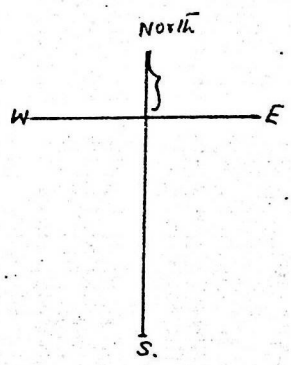
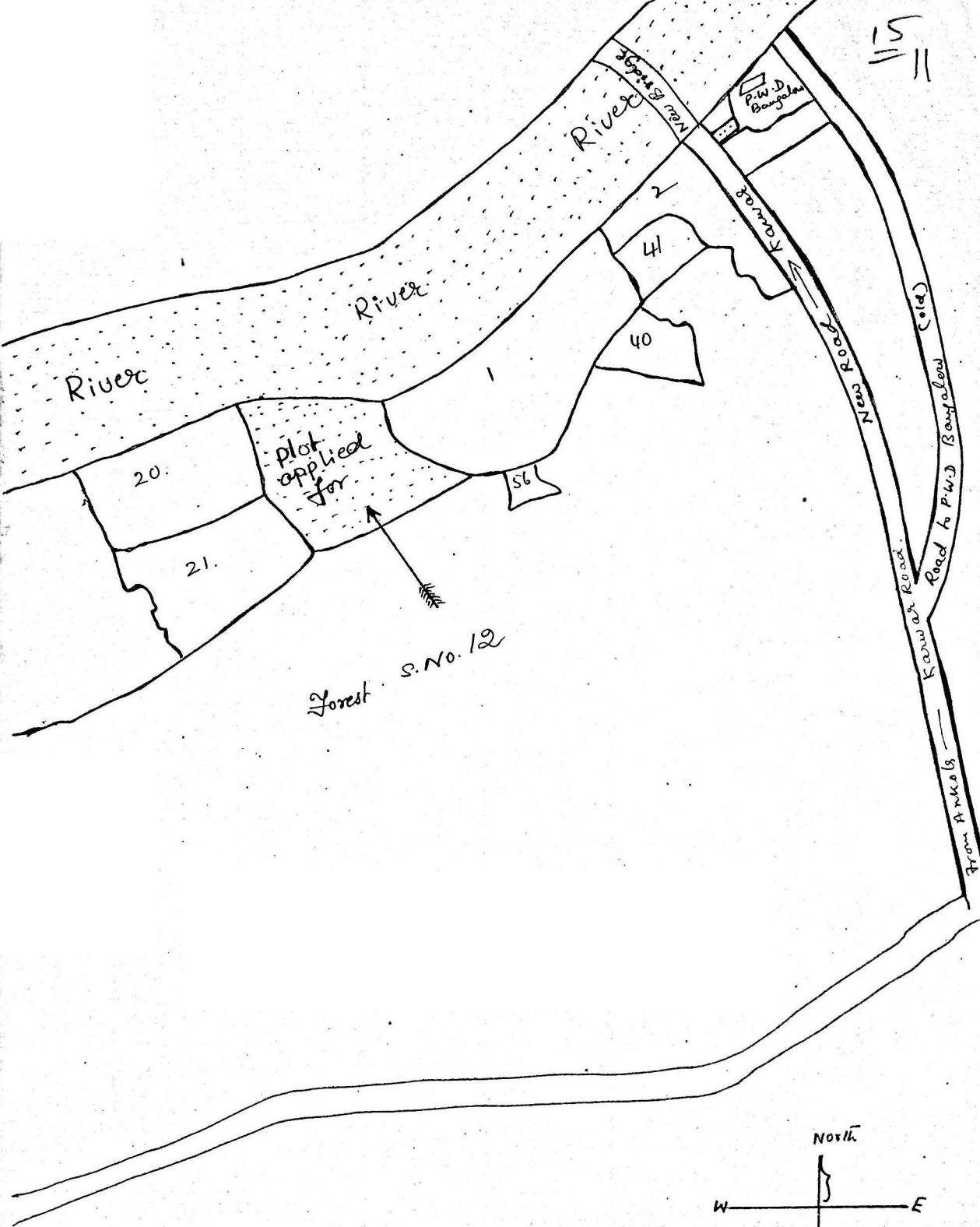
for Collector of Kanara.

Copy w.cs. to the Divisional Forest Officer, W.D., Kanara
Karwar for information.

True-copy.

Pain
SECRETARY
HICHKAD GROUP HINDULIDA
VARGADA KOOLIKARAR
SAHAKARI SANGH LTD.
ANKOLA.

15
11



To

The Secretary,
Hichked Group Hindulida Vargada
Koolikarar Sahakari Sangha, Ltd.,
Ankola.

No. S 105/2/136.

Kanhar, 26-9-1955.

Subject: Request for grant of 5 acres plot in F.S.No.8A
of Hattikeri for storing timber and firewood.

Sir,

The Collector wishes to see the area in F.S.No.8A of
Hattikeri for which you have applied, on 20-9-1955 at 9 a.m.
you are, therefore, requested to be present on the ~~xxx~~ spot on
the date and time fixed and to show the area that you had
~~xxxxxxxx~~ applied for. The Divisional Forest Officer, M.D.
has also been requested to be present.

Yours faithfully,

Sd/-

for Collector of Kanara.

True-Copy.

Painy

SECRETARY.

SUBJECT..... as is p. 1/n

Diary No. of letter replied to.....

Section

Serial No.

File No. AFD 108 F&N 59

Mysore Government Secretariat

()

the 195 . }

Proceedings of the Government of
Mysore

Date of Issue..... 195

Read— Letter no. 14-1/59-60 dt

12-11-59 from the Secretary, Hichko

Signed by.....

Group Hindulida Wargada Koolikara

Sahakari Saagh Ltd., Ankola,

North Kanara Dist, stating

that the Saagh has been
Order thereon. = No.

May this be—

- (i) printed?
- (ii) treated as a Standing Order?
- (iii) published in the Gazette,
English Part?
- (iv) translated?
- (v) placed at the disposal of the Press?
- (vi) published in the Gazette,
Kannada Part?

endeavouring for the past
67/80 years and requesting
Govt to sanction a plot of
5 acres for the purpose of putting
up buildings etc. for the
Fuel & Limber Depot under
the Saagh for the benefit of
its members.

Appendix F. G.—1]

SUBJECT..... Request by Hichkad Group Hindulda
Wargada Koolikarar Sahakari Sangh Ltd,
Ankola (N. Kanara) for grant
of 5 acres out of F.S.no. 12 of
Hathikeri, etc.

Diary No. of letter replied to

Section

File No. AFD 108 FGN 59

Serial No. dt 105-60

Mysore Government Secretariat.

()
the 195 .

No.

To the CCZ

Date of issue.....

Signed by.....

Issued
10-5-60

Sir,
I am directed to state
that it is proposed to grant
on lease basis
5 acres of forest land out of
F.S.no. 12 of Hathikeri for
the purpose of Fuel and Timber
Depot to the above Society.

I am therefore to request
you kindly to indicate whether
there are any rules or Govt
orders in general prescribing
the general procedure for the
disposal of forest lands by
way of lease or sale etc.,
and if so, so relevant
copies of them may also
be sent to Govt immediately

List of enclosures

Copied by.....

Examined by

10-5-60

Y/z
Kg
6/5
D/S D/S

17 20
No.B3-4593/60
Encl - 5

Chief Conservator's Office,
Bangalore, dated 5-5-1961.

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

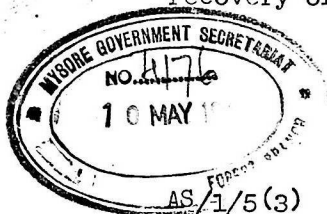
Sir,

Sub:-Request by Hitchkad Group Hindulida Vargada
Koolikarar Sahakari Sangh Ltd., Ankola for grant
of 5 acres out of F.S.No.12 of Hattikere etc.

Ref:-Your letter No.AFD 108 FGN 59 dated 10-5-1960.

vogue
Sar MS
The fact that the lease of forest lands for temporary cultivation, storing of timber, constructing huts etc., was in ~~the~~ in the erstwhile Bombay State is verifiable from a perusal of para 3 of Bombay Government's Resolution No.7590/33 dated 1-2-1940 - a copy of which is submitted for kind perusal. In para 3 of their Resolution dated 1-2-1940 the Government of Bombay have directed that the revised standard agreement in Form No.9 should be used in the cases of lease of forest lands given out for temporary cultivation, storing timber, constructing huts etc. From this it can be inferred that the Government of Bombay had permitted the disposal of forest lands by way of lease for non-agricultural purposes. Information as to whether the Government of Bombay had actually issued orders in this behalf is not available. As such copies of specific Government orders if any issued in this behalf cannot be furnished.

In the present case in question the grant on lease basis 5 acres of forest land in F.S.No.12 of Hattikeri to Hichkad Group Hindulida Vargada Koolikarar Sahakari Sangh Ltd., Ankola for storing fuel and timber as proposed by Government, may be sanctioned subject to recovery of a rent of 0.25 nP per Gunta per month.



Yours faithfully,

[Signature]
Chief Conservator of Forests.

21 21

(leases signed by members of the ordinary public) should be extended to six months to enable the occupant to reap any crop that may be in existence at the time of receipt of the order to vacate, is approved. An additional condition by which which assessment owed by the occupant when evicted, should be recoverable as an arrear of land revenue should also be inserted in all the forms as suggested by him.

"3. Clause III (c) of the standard form No. 9 should also be amended to provide that the occupant should be allowed to remove the materials of any buildings erected by him on the land and reap any crops or produce raised by him standing on the land or given their value as estimated by the Divisional Forest Officer.

"4. The same remarks as in paragraphs 3 above apply to clause III(c) in respect of land for Kumri leases.

"5. The Chief Conservator is requested to consider whether the revised form should be prescribed for universal use in supersession of the various other forms referred to in his letter."

Letter from the Chief Conservator of Forests, No. 17/2980, dated the 3rd October 1939 :-

"With reference to Government memorandum, No. 7590-D/33, of 28th April 1939, I have the honour to remark as follows.

"2. From the Government memorandum, No. 6782-D/33, of 7th September 1937, it appears that the idea was to overhaul the system of disposal of forest land the settlements in Khandesh divisions with special reference to clause 10 of the lease taken from the settlers and to make the tenancy more stable and the restrictions less rigorous. It is to this form that certain changes were suggested in this office letter, No. 17/4099, of 18th January 1939, as it was intended to be used for taking agreements from settlers in Khandesh divisions only. The revised form received with the Government memorandum is suitable only for this purpose. To make it conform, as far as possible, to standard agreement form No. 9, the modifications suggested in the accompanying statement* may kindly be made therein.

"3. As there are special conditions necessary for each different type of lease of forest land, the draft form accompanying the Government memorandum will not be suitable for all cases as explained below.

Leases are generally taken in the following cases:-

- (1) Land given out for inforest settlement.
- (2) Land given out for agri-silviculture.
- (3) Land given out for temporary cultivation.
- (4) Land given out for storing timber, constructing huts, etc.
- (5) Land given out for Kumri cultivation.
- (6) Land given out for dalhi cultivation.

It is only in the Northern and Central circles that lands are given out for inforest settlements.

Leases for inforest settlements are not for any definite period but are more or less of a permanent nature though subject to termination either for breach of conditions or when the land is required for Government purposes, while those for agri-silviculture can only be for a limited period till the forest crop is established. There are special conditions for the latter, please, vide printed supplement to standard agreement form No. 9.

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Leases for Kumri cultivation are generally executed jointly by more persons than one. Conditions I(j), (k) and II(f) of the form approved in Government Resolution, Revenue Department Resolution, Revenue Department, No. 4755, of 28th March 1927, are peculiar to Kumri cultivation.

In the case of dalhi cultivation in the Kolaba Division, assignments are resumed when the occupants fail to fulfil the conditions. A special pass book containing rules for the guidance of occupants of such inforest assignments is in force.

"4. As stated in paragraph 2, the revised form of agreement is suitable only in the case of leases under item No. 1. A draft* form showing the suggested modifications in the revised form accompanies.

As regards item No. 2, the standard agreement form No. 9 with the printed supplement marked A is suitable and may continue to be used with the modifications approved in paragraph 2 of the Government memorandum.

In the case of leases under items Nos. 3 and 4, standard agreement form No. 9 is suitable and may continue to be used with the modifications approved in paragraph 2 of the Government memorandum.

As regards kumri leases, the form approved by Government in their Resolution, Revenue Department, No. 4755, of 28th March 1927, is satisfactory and may continue to be used with the modifications approved in paragraph 4 of the Government memorandum.

For dalhi plots in the Kolaba Division, rules in the special pass book which is now in force have recently been brought up-to-date and submitted for the approval of Government under this office endorsement No. 20/2095, of 12th August 1939. This pass book may be continued in the case of dalhi cultivation.

The draft agreement form as now submitted will apply to all inforest settlements in the Northern and Central circles."

Government memorandum, No. 7590-D/33, dated the 18th December 1939, to the Chief Conservator of Forests.

Letter from the Chief Conservator of Forests, No. 17/4285, dated the 10th January 1940 :-

"With reference to Government memorandum, No. 7590-D/33, dated the 18th December 1939, I have the honour to state that there is no objection to the clause III(c) being amended as directed in paragraph 3 of Government memorandum, No. 7590-D/33, of 28th April 1939, with the omission of the words 'or given their value as estimated by the Divisional Forest Officer.' It will be difficult to ascertain such value. Besides the lessee is sure to be dissatisfied with the decision and each case will have to be submitted for arbitration.

In the very nature of things these leases cannot be permanent and it would be inadvisable to allow the lessees to erect permanent structures on the land. The following addition to ~~the~~ clause II of the standard agreement form No. 9 will simplify the matter.

"(f) from building any permanent structure. He may erect temporary shelters for himself and workmen after obtaining the written permission of the Divisional Forest Officer."

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objects of these settlements is to bring forest land under cultivation and to help the very poor, Government will not object to writing off in the future the few amounts, owing by absconding or dead settlers.

(2) Under the present conditions the Divisional Forest Officer had the power to evict any settler at a moment's notice without giving any reason. The Conservator now proposes that notice of the three months must in all cases be given and even then the settler should have power of appeal to the Conservator within 30 days of the receipt of the order of eviction. I am of opinion that the period of notice should be six months and that a settler should only be evicted by order of the Conservator on the recommendation of the Divisional Forest Officer. I am also of the opinion that the order of the Conservator should be final. He is a responsible officer and would not order an eviction unless he considered it to be necessary in the interest of Government and the settlement.

Copies of the original lease form and the new one drawn up by the Conservator are attached.

"3. (2) 'Leases signed by members of the ordinary public when they lease a piece of forest land either for cultivation or building of cattle sheds.' In the Southern Circle this lease is called Hangani Lagni lease. There is a printed form of lease, Form No. 9, when land is so given out. The form used in the Southern Circle differs slightly from the form used in the Northern Circle- copies of both are attached. They have proved satisfactory in the past and I am of opinion, need no alteration except that whereas in the Southern Circle a period of three months' notice to vacate is given and in the Northern Circle a period of one month is given, this period should be in both cases extended to six months. This would allow the occupant to reap any crop that may be in existence at the time of receipt of the order to vacate. The Conservator, Southern Circle, also suggests that a condition should be inserted by which assessment owed by the occupant when evicted should be recoverable as an arrear of land revenue. There is no objection to this condition being added to his form.

" 4. (3). 'Leases taken from Kumri cultivators of the Southern Circle.'

In Government Resolution, Revenue Department, No. 4755 of 28th March 1927, Government have approved of the form of lease to be used in this connection and no alteration is necessary.

"5. When a considerable area of ~~forest~~ forest land is given out for cultivation the land as a general rule is disforested and comes under the control of the Revenue Department."

Government memorandum, No. 7590-D/33, dated the 28th April 1939 :-

"The undersigned presents compliments to the Chief Conservator of Forests and, with reference to the correspondence ending with his letter, No. 17/4099, dated 13th January 1939, is directed to forward a revised draft form of the agreement for leases to be signed by inforest settlers and to request him to favour Government with his remarks at a very early date.

"2. The Chief Conservator's suggestion that the period mentioned in clause II(d) of the standard lease form No.9

GOVERNMENT OF BOMBAY
REVENUE DEPARTMENT
Resolution No. 7590/33.

Bombay Castle, 1st February 1940.

Government memorandum No. 7590-D/33, dated the 7th September 1938, to the Chief Conservator of Forests.

Letter from the Chief Conservator of Forests No. 17/4099 dated the 18th January 1939 :-

" With reference to Government memoranda, Nos. 6788-D/33 dated 7th September 1937 and 7590-D/33, dated 7th September 1938 I have the honour to observe that as the two memoranda deal with the leasing out of forest lands, I am dealing with both at the same time.

"2. Broadly speaking the leasing out of forest lands can be divided under three headings, viz. -

(1) Leases signed by inforest settlers - Inforest settlements are formed by placing a certain number of men usually not more than forty on a compact block of forest land, which may be as much as 500 acres.

The occupants of the settlements are as a general rule persons who neither own nor have any interest in any other land. They are usually illiterate and very poor.

The settlements are formed usually for one of two reasons (1) to find employment for poor people such as the Bhils of Khandesh and (2) to plant population in out-of-the-way tracts of jungle so that a certain amount of help can be obtained in connection with forest works of all kinds.

Where these settlements were first formed a very simple form of agreement was drawn up for use by the settlers. The conditions were laid down with the sole idea of protecting Government interests and giving power to the Divisional Forest Officer to enable him to control the settlers.

It is to the conditions of this simple agreement that Govt. in their memorandum, No. 6788-D/33, dated 7th September 1937, object, and the main objection is to condition 10 under which the Divisional Forest Officer has power to evict any settler summarily from the settlement without notice or reason being given.

This power of eviction is unnecessary, though it was considered necessary at the time of forming the settlements. The Conservator of Forests, Central Circle, has now drawn up another form of lease making minor alterations in conditions 2, 4, 5, 6 and important alterations in condition 10. The alterations in condition 10 are as follows :-

- (1) Formerly each settler had to deposit a sum of Rs. 64 with the Divisional Forest Officer, so that in case he absconded or died owing assessment, or sagai to Government the debt could be recovered from the deposit. The Conservator now proposes to recover no deposit and with this I agree.

Very few of the settlers, if any, have any ready money. If they are forced to make a deposit they borrow from a money-lender and this is most undesirable. It is presumed that as the

23 ²⁵

This clause already appears in the leases taken in the Northern Circle in the case of lands given out for inforest settlement."

RESOLUTION - The form of agreement submitted by the Chief Conservator of Forests with his letter, No. 17/2980, dated 3rd October 1939, is approved. It should be adopted in the cases of leases of lands given out for inforest settlement.

2. The standard agreement form No. 9 with the printed supplement marked A should be amended as directed in paragraphs 2 and 3 of Government memorandum, No. 7590-D/33, dated 28th April 1939, and as indicated in the Chief Conservator's letter No. 17/4285, dated 10th January 1940. The revised form should be used in the cases of leases of lands given out for agri-silviculture.

X 3. The standard agreement form No. 9 should be amended as directed in paragraph 2 of Government memorandum, No. 7590-D/33, dated 28th April 1939, and as indicated in the Chief Conservator's letter No. 17/4285, dated 10th January 1940. The revised form should be used in the cases of leases of lands given out for temporary cultivation, storing timber, constructing huts, etc.

4. The form approved in Government Resolution, No. 4755, dated 28th March 1927, should be amended as directed in paragraph 4 of Government memorandum, No. 7590-D/33, dated 28th April 1939. The revised form should be used in the cases of leases of lands given out for kumri cultivation.

5. The pass book approved in Government memorandum, No. 5305-D/24, dated 4th September 1939, should continue to be used in the cases of leases of lands given out for dalhi cultivation.

By order of the Governor of Bombay,

V. SHANKAR,
Under Secretary to Government.

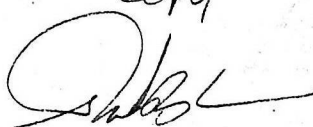
G.R.No. 7590/33, R.D. dated the 1st February 1940.

To

The Commissioners of Divisions,
All Collectors,
The Chief Conservator of Forests,
All Conservators of Forests.

* Printed as an accompaniment to this Resolution.

GLS/-

copy


Divisional Forest Officer,
Kanara Western, Karwar.

Statement.

Condi tion No.	Condition in the draft form originally suggested but omitted by Government in the draft revised form.	Remarks. (Reasons for inclusion of suggested condition.)
4	I will not absent myself from the settlement for a period of less than 7 days at a time without informing the village patil of my absence in advance. If it is necessary for me to be absent for a period of more than 7 days at a time, I will obtain the previous permission of the Range Forest Officer. I will do work on proper wages in connection with forest work done through the agency of a contractor or Government whenever I am asked to do so by the Divisional Forest Officer.	Unless there is a condition requiring the settlers not to absent themselves from the settlement for more than a given period, labour for forest work will not be readily available. The original condition may therefore be retained. The object in giving out forest land for cultivation is to have sufficient labour in the vicinity of forests for carrying out silvicultural and other works. Government in their memorandum, No. 7590-D/33 of 7th September 1938, have directed that the grants of land should be made on condition of supplying labour, etc., to the Forest Department in view of the land being given free of occupancy price. The original condition may therefore be retained. This condition is added as per paragraph 2 of the Government memorandum, No. 7590-D/33, of 28th April 1939.

11

GLS/-

"Copy"



Divisional Forest Officer,
Kannara Western, Karwar.

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As. Ps. on the following conditions :-

Conditions.

1. I will not sublet the said survey No. or any portion of it to any one for cultivation, but will cultivate it myself in a reasonable manner.
2. I will keep in proper repair the boundary marks of the said survey number.
3. I will pay to Government assessment every year on the dates of instalments prescribed for the district.
4. I will not absent myself from the settlement for a period of less than 7 days at a time without informing the village patil of my absence in advance. If it is necessary for me to be absent for a period of more than 7 days at a time I will obtain the previous permission of the Range Forest Officer.
5. I will to the best of ability protect from injury any trees reserved in the said survey number.
6. I will render help as below :-
 - (a) in extinguishing fires as soon as possible,
 - (b) in preventing fires from spreading into Reserved Forest,
 - (c) in preventing the commission of any forest offence of which information has reached me,
 - (d) in arresting forest offenders.
7. I will do work on proper wages in connection with Forest work done through the agency of a contractor or Government whenever I am asked to do so by the Divisional Forest Officer.
8. I agree that this agreement can be cancelled on receipt of 12 months' notice in writing to me to the effect that the land is required for Government purposes, and ~~it~~ that I shall not be entitled to any compensation in consequence of any such cancellation except cost of improvements made to the land. As regards "what is Government purpose", and "cost of improvements" the decision of the Conservator ^{of forests}, Circle, will be considered as final.
9. The Divisional Forest Officer has power to revise the assessment of the land at the time of the revision settlement of the taluka and that the increase at each revision should not be in the excess of 66 2/3 per cent.
10. The Divisional Forest Officer has power to cancel the agreement in case I commit a serious breach of any of afore-said conditions. If I am evicted for breach of the terms of the agreement the Forest Department will pay such compensation as may be reasonable in the opinion of the Divisional Forest Officer (whose opinion will be final) for the present value to Government or the incoming settler of improvements made at my cost. In case of any eviction order being passed by the Conservator ~~if~~ I understand that I shall be allowed to appeal to the Chief Conservator of Forests within 60 days of

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the receipt of the order. If the order is confirmed by the Chief Conservator, I agree to vacate my plot within 60 days or such longer period as the Divisional Forest Officer may grant in order to enable me to dispose of my moveable property. I shall lay no claim to any immoveable property on the land such as houses, wells, etc. I shall be allowed to reap the crop of the season if I have already cultivated the plot before the order of eviction is passed.

11. In the event of my being evicted any assessment owed by me shall be recoverable from me as if it were an arrear of land revenue.

I have passed the agreement as above.

Date month 19

Witnesses

1. Khatedar

2.

Witnesses

1.

2.

Divisional Forest Officer.

GLS/-

"copy"



Divisional Forest Officer,
Kannara Western, Karwar.

(Appendix F. G. - 1)

SUBJECT heave of land - an area of
5 Acres in favour of F.S. no. 12
of Kattikeni Group, Ankola Tq, in
favour of the Secy, H. G. H. V. K. S.
S. hda, Ankola

Diary No. of letter replied to

Section

File No.

Serial No.

Mysore Government Secretariat.

()

the

195

Issued

by

Date of issue..... 21 APR 1962

No.

To for G.O

Rd:-

Signed by.....

1) Repⁿ of the Secy.,
Hickad Group Hindur-
lida varpada Kooli-
Kannar Sahakari
Sangh Ltd., Ankola
of 12-11-58 to Govt.
2) Letter no. B₃ -
4593/60 of 5-5-61 of
the ccf.

List of enclosures

Copied by.....

order

21 APR 1962

Examined by

No. AFD 108 FBR SF
of 21 APR 1962

The Secy of the Sangha
vide Ref (1) above, had requested
for the grant of an area of
5 Acres out of 7 S.no. 12 of
Hattikeri village, for the
purpose of putting up buildings
etc, for the fuel & timber
supply under the Sangha for
the benefit of its members

2) The cc of vide Ref (2)
above, has recommended for
the grant of the area on
lease basis - an area of
5 Acres out of 7 S.no. 12
of Hattikeri village, Ankola teq
in favour of the Sangha
mentioned above, subject
to the recovery of 0-25 Rp
per gunta per month.

3) After careful considⁿ
you are pleased to order

(Appendix F. G.--1)

SUBJECT.....
.....
.....

Diary No. of letter replied to

Section

File No.

Serial No.

Mysore Government Secretariat,

()

the 195 .

No.

To

Date of issue.....

Signed by.....

the lease of an
area of 5 Acres
out of 7 S.No. 12
of Hattikeri village,
Ankola Tq., subject
to reversion of a
rent of 0-25 Rs
per gunta per month
for a period of
30 years in the
first instance in
favour of the

List of enclosures

Copied by.....

Examined by

above mentioned Sangha
for putting up buildings
etc., for the fuel &
timber paper under
the Sangha for the
benefit of its Members,
with the usual terms &
conditions as well be imposed
by the C.F.

The C.F. is reqd
to take further action
in the matter

B.O etc

22/8/62

AS, A.T.T

to

C.F.

Dist Commr, Bilgaum

or, Karwar (R.K. or)

C.F., Bgm

F.O.

Adm (Inro, F.O)

copy: - RD for inf 22/8/62 -